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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,809	07/26/2001	David C. Chou	11088-39607	7489

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EXAMINER

JARRETT, RYAN A

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

3M.

Office Action Summary	Application No. 09/915,809	Applicant(s) CHOU ET AL.	
	Examiner Ryan A. Jarrett	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 13, 15-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ruszkowski, Jr. U.S. Patent No. 4,949,089. Ruszkowski, Jr. discloses an integrated compact, self-contained surveillance unit, said unit comprising: housing means (Fig. 2), sensor means attached to said housing means (col. 6 lines 6-15, col. 5 lines 30-33); means, attached to said housing, for determining the position of said unit (col. 3 lines 57-63); communications means attached to said housing means (col. 4 lines 29-32); computer means attached to said housing means, said computer means connected to said sensor means, said position determination means, and said communication means (col. 7 lines 1-11, Fig. 3); and image output means attached to said housing means connected to said computer means (col. 6 lines 16-26, Fig. 3);

wherein said sensor means includes a sensor selected from the group including visible sensors (col. 6 lines 6-15), UV sensors, short wavelength infrared sensors and long wavelength infrared sensors;

wherein said position determination means includes GPS position determination means (col. 3 lines 57-63);

including means for determining the motion of said unit (col. 3 lines 57-63);

wherein said computer means includes digital signal processing means, field programmable gate array means, and memory means (col. 5 lines 50-65, Fig. 3);

further including power supply means; wherein said power supply is a battery (col. 5 line 66 – col. 6 line 5);

wherein said image output means is a removable heads-up display (Fig. 2 reference number 42, col. 6 lines 16-26, the heads-up display was assembled into the weapon so naturally it can somehow be removed);

further including means for manipulating data by the user of said surveillance unit; wherein said information manipulation means is a touchpad (col. 4 lines 46-51).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszkowski, Jr. as applied to claim 2 above, and further in view of Hansen U.S. Patent No. 5,035,472. Ruszkowski, Jr. does not disclose that said sensor means also includes an uncooled focal plane array. However, Hansen discloses an integrated multi-spectral man portable weapon sight, including a sensor means that contains an uncooled focal plane array (col. 3 lines 40-61). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ruszkowski, Jr. with Hansen since Hansen teaches that an uncooled focal plane array is an effective

way to collimate an infrared spectrum and to ultimately reconvert the infrared spectrum to the visible spectrum, thus enabling night vision for the user of the sight assembly.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszkowski, Jr. as applied to claim 5 above, and further in view of Michel et al. U.S. Patent No. 5,386,308. Ruszkowski, Jr. **does** disclose a means for determining direction (Fig. 4 reference number 50); wherein said GPS position determination means is coupled to said means for determining direction, said computer means, and said communication means (Fig. 4). Ruszkowski, Jr. **does not** disclose that said motion determination means is an accelerometer. However, Michel et al. discloses a weapon-aiming device having micro-lenses and a display element, including accelerometers to determine the motion of a weapon (col. 4 line 58 – col. 5 line 12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ruszkowski, Jr. with Michel et al. since Michel et al. teaches that the use of accelerometers on a weapon can be used to calculate the appropriate position of the weapon cross-hairs on a visual display screen.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszkowski, Jr. as applied to claim 4 above, and further in view of Janky et al. U.S. Patent No. 5,568,152. Ruszkowski, Jr. does not disclose that the position determination means also includes GLONASS position determination means, said GLONASS position determination means coupled to both said computer means and said communication means. However, Janky et al. discloses an integrated image transfer for remote target location, which includes a GLONASS position determination

means coupled to both a computer means and a communication means (col. 5 lines 29-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ruszkowski, Jr. with Janky et al. since Janky et al. teaches that GLONASS is an effective satellite positioning system that can be mounted to a weapon to assist in remote target locating.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszkowski, Jr. as applied to claim 1 above, and further in view of Doyle et al. U.S. Patent Application Publication No. 2002/0198659 A1. Ruszkowski, Jr. **does** disclose that said communication means includes a patch antenna; wherein said communication means includes RF communication means (col. 4 lines 29-32). Ruszkowski, Jr. does not specifically disclose that said communication means is bi-directional. However, Doyle et al. discloses an apparatus for enhanced safety in hunting environments that includes a bi-directional multi-mode communication means that is attached to a GPS means, a compass, a display, and a DSP (Fig. 1, paragraphs [0009] and [0010]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ruszkowski, Jr. with Doyle et al. since Doyle et al. teaches that a two-way communication system can be used to communicate with other hunters or infantry.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruszkowski, Jr. as applied to claim 1 above, and further in view of Sammut et al. U.S. Patent No. 6,516,699. Ruszkowski, Jr. does not disclose a temperature sensing means connected to the computer means. However, Sammut et al. discloses an apparatus for

calculation aiming point information for rifle scopes that includes a temperature sensor connected to a computer (col. 4 lines 10-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ruszkowski, Jr. with Sammut et al. since Sammut et al. teaches that a temperature sensor attached to a rifle scope can aid in calibrating the reticle cross-hairs.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jenkins U.S. Patent No. 6,449,892 discloses a smart weapon with an onboard GPS, compass, motion detector, display, and keypad.

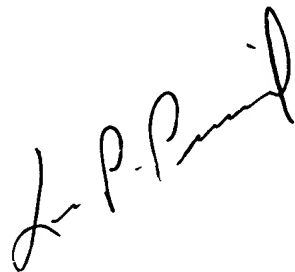
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan A. Jarrett whose telephone number is (703) 308-4739. The examiner can normally be reached on 9:30-6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2125

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

raj
February 26, 2003

A handwritten signature in black ink, appearing to read "Leo Picard", written diagonally across the page.

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**